

PCT/JP03/02489 15 JUN 2005

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| TRANSMITTAL LETTER TO THE UNITED STATES | | ATTORNEY'S DOCKET NUMBER 38102-75974 |
| DESIGNATED/ELECTED OFFICE (DO/EO/US) | | U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/506,382 |
| CONCERNING A SUBMISSION UNDER 35 U.S.C. 371 | | |
| INTERNATIONAL APPLICATION NO. PCT/JP03/02489 | INTERNATIONAL FILING DATE 04 March 2003 (04.03.03) | PRIORITY DATE 04 March 2002 (04.03.02) |
| TITLE OF INVENTION DIAGNOSTICS AND REMEDIES FOR MALIGNANT BRAIN TUMOR | | |
| APPLICANT(S) FOR DO/EO/US TODA, Masahiro; KAWAKAMI, Yutaka; UEDA, Masakazu; OHASHI, Yohei | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The US has been elected (Article 31). <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). | | |
| Items 11 to 20 below concern document(s) or information | | |
| <ol style="list-style-type: none"> <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, Form PTO-1449 & References <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> Second preliminary amendment. <input type="checkbox"/> An application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. Paper Ssequence Listing, & Statement <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information: <ol style="list-style-type: none"> Response to Notification of Missing Requirements Statement Under 37 CFR 3.73(b) & Copy of Assignment Copy of Notification of Missing Requirements Certificate Under 37 CFR 1.10 | | |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | |
|---|--------------|--|------------|--------------------------------------|---------------------|
| U.S. APPLICATION NO. (if known, see 37 CFR 10/506,382) | | INTERNATIONAL APPLICATION NO. PCT/JP03/02489 | | ATTORNEY'S DOCKET NUMBER 38102-75974 | |
| The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| 21. <input type="checkbox"/> Basic national fee \$300 | | | | \$ 0.00 | |
| 22. <input type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). \$100 All other situations. \$200 | | | | \$ 0.00 | |
| 23. <input type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared and provided to the Office \$400 All other situations. \$500 | | | | \$ 0.00 | |
| TOTAL OF 21, 22 and 23 = | | | | \$ 0.00 | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | |
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole) | RATE | | |
| - 100 = | 0 | /50 = | 0 | x \$250.00 | \$ 0.00 |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)). | | | | PAID \$ 02.09.04 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | - 20 = | 0 | x \$50.00 | \$ 0.00 | |
| Independent claims | - 3 = | 0 | x \$200.00 | \$ 0.00 | |
| Multiple Dependent Claims (if applicable) <input type="checkbox"/> + \$360.00 | | | | \$ | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 0.00 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | | | \$ 0.00 | |
| SUBTOTAL = | | | | \$ 0.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ 0.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per + | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ 0.00 | |
| | | | | Amount to be refunded: | \$ |
| | | | | Amount to be charged: | \$ |

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.


c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 10-0435. A duplicate copy of this sheet is enclosed.

d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

ADDISON, Bradford G.
BARNES & THORNBURG LLP
11 South Meridian Street
Indianapolis, IN 46204
US


 SIGNATURE
 James K. BLODGETT, 15 June 2005
 NAME

Customer No. 23643
 48480
 REGISTRATION NUMBER

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

| | | |
|-----------------------------------|---|---|
| <i>Earliest Priority Date:</i> | 04 March 2002 (04.03.02) | } |
| | | } |
| <i>U.S. Serial No.:</i> | 10/506,382 | } |
| | | } |
| <i>International Serial No.:</i> | PCT/JP03/02489 | } |
| | | } |
| <i>Invention:</i> | DIAGNOSTICS AND REMEDIES FOR MALIGNANT BRAIN TUMOR | } |
| | | } |
| <i>Applicant:</i> | TODA, Masahiro; KAWAKAMI, Yutaka; UEDA, Masakazu; OHASHI, Yohei | } |
| | | } |
| <i>International Filing Date:</i> | 04 March 2003 (04 03.03) | } |
| | | } |
| <i>Attorney Docket:</i> | 38102-75974 (Previously TODA) | } |

CERTIFICATE UNDER 37 C.F.R. § 1.10

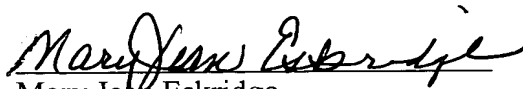
MAIL STOP PCT
Attention: DO/EO/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

Express Mail" Mailing Label No.: EV417055551US

Date of Deposit: 15 June 2005 (15.06.05)

I hereby certify that this paper or fee is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450.


Mary Jean Eskridge

Indianapolis, Indiana

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT OFFICE

Earliest Priority Date: 04 March 2002 (04.03.02)

International Serial No.: PCT/JP03/02489

U.S. Serial No.: 10/506,382

Invention: DIAGNOSTICS AND REMEDIES
FOR MALIGNANT BRAIN TUMOR

Applicant: TODA, Masahiro; KAWAKAMI,
Yutaka; UEDA, Masakazu; OHASHI,
Yohei

International Filing Date: 04 March 2003 (04.03.03)

Attorney: 38102-75974 (Previously TODA,
Masahiro)

Docket:

Certificate Under 37 CFR 1.10

Express Mail No.: EV41705551US

Date of Mailing: 15 June 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


(Signature)

Mary Jean Eskridge

(Typed or Printed Name of Person Mailing Paper or Fee)

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Attn: DO/EO/US--Frederick SMITH
Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed 15 April 2005 (15.04.05), applicants submit herewith:

1. a Declaration for Utility or Design Patent Application (37 CFR 1.63) signed, dated, and completed by each inventor;
2. a Power of Attorney to Prosecute Applications Before the USPTO;
3. a Statement Under 37 CFR 3.73(b) with a copy of the Assignment attached for 37 CFR 3.73(b) purposes from the inventors to the assignee, INSTITUTE OF GENE AND BRAIN SCIENCE;
4. copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
5. Diskette containing an amended Sequence Listing in computer readable form (PatentIn Ver. 3.3);
6. A paper copy of the amended Sequence Listing; and
7. Relevant Statement.

The surcharge fee of \$65.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date was paid on 02 September 2004 (02.09.04) with the lodging of the national papers.

Please replace the written "Sequence Listing" previously submitted with the national lodging on 02 September 2004, with the amended Sequence Listing submitted concurrently herewith. The content of the paper copy and the disk copy of the amended Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are identical.

The amendments in the Sequence Listing include the following:

- 1) On line <110> for Applicant name, the names of the inventors (TODA, Masahiro; KAWAKAMI, Yutaka; UEDA, Masakazu; and OHASHI, Yohei) have been included in place of "INSTITUTE OF GENE AND BRAIN SCIENCE."
- 2) On line <120> for Title of invention, "DIAGNOSTIC AND THERAPEUTIC AGENTS FOR MALIGNANT BRAIN TUMOR" has been included in place of "Diagnostic and therapeutic pharmaceutical for malignant brain cancer."
- 3) On line <130> for File reference, our docket number, "38102-75974," has been included in place of "P10000282."
- 4) On line <140> for Current patent application, "10/506,382" has been added.
- 5) On line <141> for Current filing date, "2004-09-02" has been added.

6) On additional line <150> for Earlier patent application, "PCT/JP03/02489" has been added.

7) On additional line <151> for Earlier application filing date, "2003-03-04" has been added.

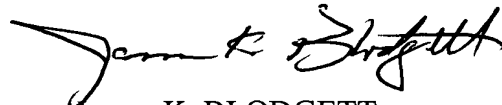
8) On line <170> for Software, "PatentIn Ver. 3.3" has been included in place of "PatentIn Ver. 2.1."

9) For sequence ID number 34, line <211>, the length has been corrected to read "25," instead of "24."

The amended Sequence Listing, submitted herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter. Applicants believe that the requirements under 37 C.F.R. §§ 1.821 - 1.825 have been met.

It is believed that no fee is due for submission of the amended Sequence Listing in computer readable form. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 10-0435, referencing attorney docket no. 38102-75974. A duplicate of this Response is enclosed.

Respectfully submitted,



James K. BLODGETT
Reg. No. 48480
Agent for Applicants

JKB/mje/735481v1
Indianapolis, Indiana 46204
(317) 231-7401

Attachments: 7 as stated above



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/506,382 | Masahiro Toda | TODA |

23643
BARNES & THORNBURG
11 SOUTH MERIDIAN
INDIANAPOLIS, IN 46204

RECEIVED

APR 22 2005

BARNES & THORNBURG LLP

| INTERNATIONAL APPLICATION NO. | |
|-------------------------------|---------------|
| PCT/JP03/02489 | |
| IA. FILING DATE | PRIORITY DATE |
| 03/04/2003 | 04/03/2002 |

CONFIRMATION NO. 1639

371 FORMALITIES LETTER



OC000000015696704

Date Mailed: 04/15/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/02/2004
- Copy of the International Search Report filed on 09/02/2004
- Preliminary Amendments filed on 09/02/2004
- Oath or Declaration filed on 09/02/2004
- Biochemical Sequence Listing filed on 09/02/2004
- U.S. Basic National Fees filed on 09/02/2004
- Priority Documents filed on 09/02/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19,

2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/506,382 | PCT/JP03/02489 | TODA |